

REMARKS

Claims 1-39 remain pending in the application.

Claims 1-39 over Aether Technologies

In the Office Action, claims 1-39 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Aether Technologies confidential copy of “Enterprise Data Wireless Center” (“Aether Confidential Reference”). The Applicants respectfully traverse the rejection.

The undersigned has recently taken over the subject application. The Examiner indicated during a phone conversation on June 3, 2004 that the Aether Confidential Reference was obtained from parent application 09/494,553, now abandoned. The undersigned doesn’t have a copy of the prosecution history of the parent application to fully understand the source and circumstances of the Aether Confidential Reference.

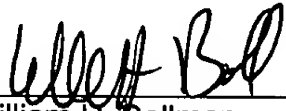
The Aether Confidential Reference is clearly marked “proprietary” on each page throughout. The Aether Confidential Reference was not “published” for public disclosure and does not qualify as prior art under 35 U.S.C. § 102(b).

Because this rejection is not based on prior art, it cannot properly stand. The Applicants respectfully request the rejection of claims 1-39 be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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